From: Peter Mogensen
To: Microsoft ATR
Date: 1/27/02 2:41pm
Subject: Microsoft Settlement

The Microsoft trials,

Hello,

I must say, I'm baffled by the development of the various Microsoft
Anti Trust trials in the US. In most of Europe the US legal system has
a reputation of being mostly about expensive lawyers and politics. Of
course, people regards this as satire, ... until it affects them self.

Allow me to introduce myself: My name is Peter Mogensen and I'm a
Danish citizen. I write to you since as a daily user of non-Microsoft
products, I'm very concerned about the future of the computer industry
with the prospects of Microsoft getting out of the current lawsuits
the way the settlements are laid out. My daily work is software
development, which you might think disqualifies me of representing the
average consumers and users of computers and operating systems. I
would argue that I am indeed a user of operating systems and other
software products (both professionally and as a hobbyist) and my
technical knowledge enables me to see parts of the problem that the
average user (or lawyer) doesn't see.

I see every day how computer users find it more and more difficult to
live without Microsoft products. This would be understandable if
Microsoft actually produced innovative, good quality products. But I
don't see computers becoming easier to use for the average user. What
I see is a lot of users being led into believe that their computer is
easier to use than it is. Often at expense of security. Lack of
security in Microsoft products (like Outlook/IE/IIS) has cost the
users around the world over $10 billion per year the last 3 years.
(http://www.siliconvalley.com/docs/news/reuters_wire/1453344l.htm)

There's lots of other reasons to not choose Microsoft software. They
are not as important here as the fact, that a lot of people actually
want to use something else, but often can't.

Why is that? Because Microsoft is enforcing a (almost worldwide)
monopoly on operating systems, office applications, web browsers and a
few other products.

You might ask, why Microsoft can maintain such a monopoly if there's
appealing reasons to choose other products? The answer lies in the way
Microsoft conducts business. I would like to highlight two problems
which have influenced my life in a negative direction:

1) In the computer world and on the Internet, compatibility is
   everything.
   If over 80% of the users on the Internet are using a system
   incompatible with that of the remaining 20%, users are not
   migrating TO the minority but rather FROM.
   Microsoft knows this and does everything in its power to make the
   life of the minority as hard as possible bye making it difficult to
   communicate with the majority.
   This is done by heavy use of proprietary protocols and data formats
   and often by bending or extending their implementations of open
   standards to only work with Microsoft products.
   Examples are the ever changing file formats of MS Word,
   the J++ Java implementation
   (http://java.sun.com/lawsuit/111798ruling.html)
   and the modifications to the Kerberos protocol in Windows 2000

(http://www.infoworld.com/articles/op/xml/00/05/15/000515oplivingston.xml).
   Of proprietary communication protocols, which Microsoft actively
   prevents others from implementing, SMB/CIFS is an example. Without
   the ability for other systems to talk this protocol, Microsoft are
   keeping other products out of the local network marked, since
   this is the official way for Windows computers to do file sharing
   among computers on a local area network.
   Please read:
   (http://linuxtoday.com/news_story.php3?ltsn=2001-11-06-005-20-OP-MS)
   or here:
   (http://lists.samba.org/pipermail/samba/2001-November/060505.html)

   http://perens.com/Articles/StandTogether.html

   Most obvious for the average user is the tendency for the WWW to
   become "best viewed with Internet Explorer".
   More and more infrastructure in the western world are placed on the
   Internet and it is becoming more and more important for citizens to
   be able to access this information. The problem is that Microsoft
   encourages people to implement web sites using technology only
   available on the Windows operating system and in Internet Explorer.
   Many web sites are specificly designed only to be viewed with
   Internet Explorer. Many home banking systems are like that.
   The World Wide Web was never meant to be viewed with only one
   client. The WWW was meant to be based on open standards to enhance
   interoperability. That's innovation. Microsoft does not encourage
   innovation!
   If this development is allowed to continue, we risk having a world
   were mere participation in the society requires you to run a
   Microsoft product, effectively paying taxes to Microsoft.
   I do not want that, and I do not believe you or your citizens want
   that either.

2) The way Microsoft has controlled the OEM hardware manufactures
during the 90's:
Microsoft had the majority of the market share for operating
systems.
Knowing that most users doesn't make changes to the computer system
they buy and that most users are reluctant to put too much effort into
actively searching for alternatives once they have bought a
computer it is easy to use your existing market share (and the need
for compatibility) to increase your market share.

I've personally been using the BeOS (former http://www.be.com)
operating system with much satisfaction. This was an very
innovative product fulfilling many of my needs as a ordinary user
and as a developer. Including things MS Windows didn't supply. The
efficiency and elegance of the system made it a breeze to use
compared to the many problems Windows users often experience.
Unfortunately the BeOS operating system is no more. Be inc was
forced out of business by Microsoft.
(http://www.byte.com/documents/s=1115/byt20010824s0001/)
The product (BeOS) has been bought by Palm inc, who officially has
declared that it will not be continued.
Now... the result of Microsofts monopoly and "innovative" behavior
is that over 10 years of development on a cutting edge operating
system will not be available for consumers.
I can not see how the current market situation in any way is good
for the consumer. Microsofts competition has an almost impossible
task in just being allowed into the market, since the market is
more than often defined by Microsoft products and proprietary
protocols.

In the current market, the commercial model fails to work to the
benefit of the consumer. Which products actually reach the consumer
are dictated by commercial interests, not by innovation. BeOS is an
sad example of this.

Now, what should be done to ensure that the competition of an open
market will benefit consumers?

Simple: Require the use of open standards. And enforce it.

Microsoft should be prohibited from using proprietary
protocols and file formats in communication between computer
systems and in interfaces between products.
Public digital communication should require use of open
standards.

Restricting all protocols and file formats in public use to be based
on open standards will guaranty every citizen equal rights to

participate in the digital society which are becoming more and more
important in the western world.

regards,
Peter Mogensen

PS: Though not directly related to the trial, I was very appalled
to hear the about the proposed settlement in the private antitrust
case. (http://www.siliconvalley.com/docs/news/svfront/ms121101.htm)
It's chocking to hear that anyone can think you can limit a
monopoly by allowing it to increase its market share.

Sorry to address this subject in this letter. I'll just appeal to
this court to make an objective and thoroughly considered ruling in
this important matter.